

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Arthur SCHEIN, *et al.***

Examiner: Naresh VIG

Serial No. 09/737,754

Art Unit: 3629

Filed: **December 18, 2000**For: **GLOBAL FINANCIAL SERVICES INTEGRATION SYSTEM AND  
PROCESS****APPEAL BRIEF**

United States Patent and Trademark Office  
Customer Window, Mail Stop Appeal Brief - Patents  
Randolph Building  
Alexandria, VA 22314

Dear Sir:

This is an Appeal Brief under 37 C.F.R. § 41.37 in connection with the Advisory Action mailed on March 25, 2005. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately. This Appeal Brief is being submitted within 2 months from the date of filing of the notice of appeal under § 41.31 on April 26, 2005.

**(1) Real Party In Interest**

The real party in interest is Citibank, N.A., having an office at 399 Park Avenue, New York, New York 10043.

**(2) Related Appeals And Interferences**

Appellants are unaware of any related appeals and interferences.

**(3) Status Of Claims**

Claims 21 and 23-52 are pending on this application. Claims 21 and 23-52 stand under final rejection, from which rejection this appeal is taken.

**(4) Status of Amendments**

The claims have not been amended after the final Office Action dated October 29, 2004.

**(5) Summary Of The Claimed Subject Matter**

This summary of claimed subject matter is a concise explanation of the subject matter defined in independent claims 21, 42, and 49. This is merely meant to be a summary and is in no way intended to limit the pending claims.

The invention is a global communications network for use by a financial institution. Page 25, lines 14-24. A plurality of distribution points allow an end user to send an electronic message or request. Page 26, lines 19-25. An integration facility controls and routes the electronic message or request. Page 27, lines 22-24. The integration facility has at least one first logical router for determining whether the electronic message or request is simple or complex. Page 29, lines 6-7. At least one service provider processes the electronic message or request. Page 29, lines 7-14.

In another embodiment, the invention is a method for processing and routing an electronic message or request across a global communications network. Page 27, lines 22-24. An electronic message or request is received from a distribution point. Page 26, lines 19-25. It is determined whether the electronic message or request is simple or complex. Page 29, lines 6-7. A simple message or request is routed to at least one service provider. Page 29, lines 7-9. A complex message or request is processed and then routed to at least one service provider. Page 29, lines 11-14.

In another embodiment, the invention is a communication network. Page 26, lines 1-3. An integration facility processes electronic messages or requests. Page 27, lines 22-24. The integration facility has at least one first logical router for determining whether the electronic message or request is simple or complex. Page 29, lines 6-7. At least one distribution point is in communication with the integration facility. Page 28, lines 2-3. At least one financial transaction related service is in

communication with the integration facility. Page 27, lines 8-13. At least one service provider is in communication with the integration facility. Page 27, lines 14-17.

**(6) Issues**

- A. Whether the Examiner's rejection of claims 21, 23-31, 33-38, and 40-48 under U.S.C. § 102(b) as being unpatentable over "Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2" (hereinafter known as "MQSeries") is proper.
- B. Whether the Examiner's rejection of claim 32 under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards *et al.* (U.S. Patent No. 5,995,921) (hereinafter known as "Richards") is proper.
- C. Whether the Examiner's rejection of claims 39 and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai *et al.* (U.S. Patent No. 5,544,347) (hereinafter known as "Yanai") is proper.

**(7) Argument**

- A. The Examiner's rejection of claims 21, 23-31, 33-38, and 40-48 under U.S.C. § 102(b) as being unpatentable over "Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2" (hereinafter known as "MQSeries") is improper.

Claims 21, 23-31, 33-38, and 40-48 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over "Examples of Using MQSeries on S/390, RISC System/6000, AS/400 and PS/2" ("MQSeries"). Appellants respectfully traverse this rejection for the reasons set forth herein.

In order to maintain an anticipatory rejection under 35 U.S.C. § 102, a reference must teach every element of the claim. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (A claim is anticipated only if each and every element as set forth in the claim is found, either

expressly or inherently described, in a single prior art reference.). The Office has not established a prima facie case of anticipation of independent claims 21 and 42.

Independent claims 21 and 42 state:

21. A global communications network for use by a financial institution, comprising:

- a plurality of distribution points for allowing an end user to send an electronic message or request;

- an integration facility for controlling and routing the electronic message or request, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex; and

- at least one service provider for processing the electronic message or request.

42. A method for processing and routing an electronic message or request across a global communications network, the method comprising of:

- receiving an electronic message or request from a distribution point;

- determining whether the electronic message or request is simple or complex; and

- routing a simple electronic message or request to at least one service provider, or processing a complex message or request and routing the processed complex message or request to at least one service provider.

In the Office Action mailed October 29, 2004, the Response to Arguments recites language from paragraph [0052] of the specification as support for the definition of simple and complex messages. See Office Action of Oct. 29, 2004, page

2. Paragraph [0052] recites:

The messaging service infrastructure includes a two-tier routing structure. Primary routing occurs within the delivery system interface to expedite simple transactions that can be sent directly to the core application or other servicing system. Message standardization coding is not usually required for these transactions. Complex transactions are intended to be sent through the system, whether or not they require a database lookup or not. The system workflow manager determines the

appropriate system application, depending on the message, and those applications create the necessary additional messages required for communication with multiple core applications or servicing systems to complete the transaction request. Message responses are then processed by the appropriate system application and the aggregated response is returned to the delivery system via the interface.

The Examiner failed, however, to refer to the specification's discussion of "determining whether the electronic message or request is simple or complex," as recited in claims 21 and 42. (emphasis added). The undersigned representative directs the Office to the "determining" aspect of the step, rather than the routing function. Claims 21 and 42 both recite the step of determining whether the message is simple or complex. Exemplary support is found in the specification for this limitation. For example, "[t]he messaging services contain application logic that supervise the transactions requested based upon script, workflow, and data model rules. ... Logical router 23 then determines whether the message is simple or complex (i.e., requiring supervision)." Paras. [0100] – [0101].

MQSeries does not disclose each and every element of claims 21 and 42. More specifically, MQSeries does not disclose "determining whether the electronic message or request is simple or complex." The router disclosed by MQSeries is not a logical router that determines whether the message requires supervision. The Examiner, referring to Fig. 12 on page 34 of MQSeries, states that "MVB4 can determine whether to send message directly, or, route the message to MVB5." However, this interpretation of MQSeries does not disclose the step of determining whether the message is simple or complex. Further, any decisions of MQSeries are not based on whether the electronic message or request is simple or complex.

MQSeries schedules processes MVB4 and MVB5 only when the loan amount is higher than \$10,000. See MQSeries, pages 33 and 36. The scheduling of MVB4 and MVB5, when the loan amount is higher than \$10,000, does not meet a prima facie case of anticipation as to a determination of whether a message requires supervision. Therefore, the Examiner's reliance on MVB4 as a logical router "determining whether the electronic message or request is simple or complex" is improper. Although MQSeries may provide routing functions, it does not disclose the "determining" step of claims 21 and 42.

Further, with respect to claim 21, MQSeries does not disclose that "the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex." On page 3 of the final Office Action, the Examiner states that "MVB4 teaches to determine whether the message is simple or complex." The Examiner further directs the undersigned representative to page 31 of MQSeries for a disclosure of "the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex," as recited in claim 21. However, page 31 of MQSeries consists primarily of Figure 11, which depicts the hardware and software environment tested during the course of the IBM experimental process. Figure 11 is reproduced below.

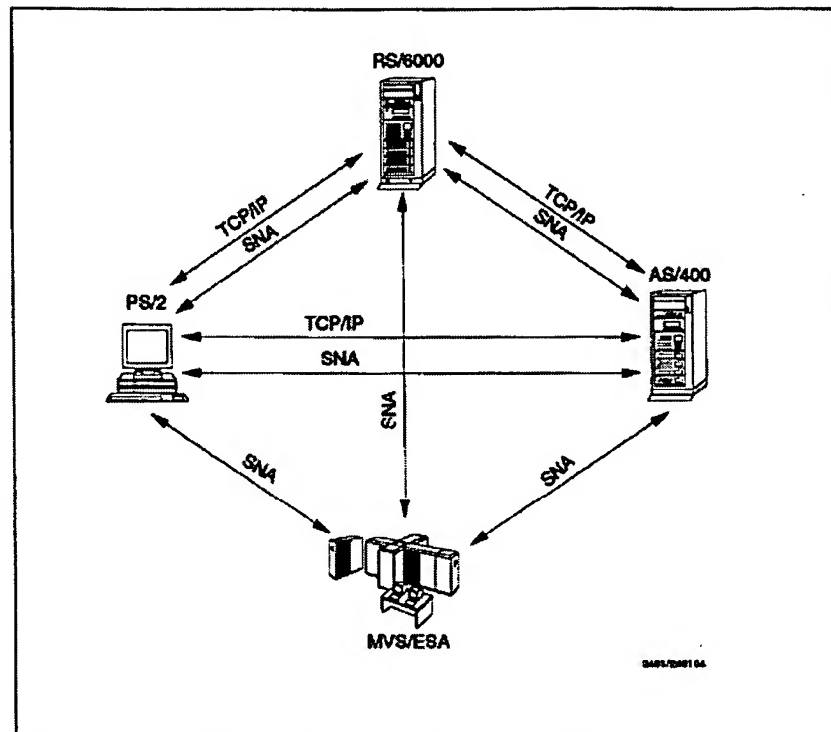


Figure 11. Hardware and Software Environment for Our Project

Figure 11 illustrates what appears to be an end user access point, several servers, as well as the communication protocols linking the devices. In contrast, claim 21 of the present application provides for a “logical router” with the unique capability of “determining whether the electronic message or request is simple or complex” and then routing the message accordingly. Figure 11 does not disclose a logical router capable of performing such a function nor is it an inherent characteristic of the TCP/IP communication protocol to do so. MQSeries does not disclose how the PS/2, MVS/ESA, AS/400, or the RS/6000 could perform the function of “determining whether the electronic message or request is simple or complex.” Figure 11 does not distinguish between the types of messages being transmitted nor is that functionality disclosed elsewhere in the reference. Therefore, MQSeries does not disclose each and every element of claim 21 of the present application.

Similarly, MQSeries does not disclose each and every element of claim 42. MQSeries does not disclose the existence of a logical router for “determining whether the electronic message or request is simple or complex,” as recited in claim 42. The Examiner cites page 34 of the MQSeries for disclosing this limitation. Page 34 consists of Figure 12, which is reproduced below.

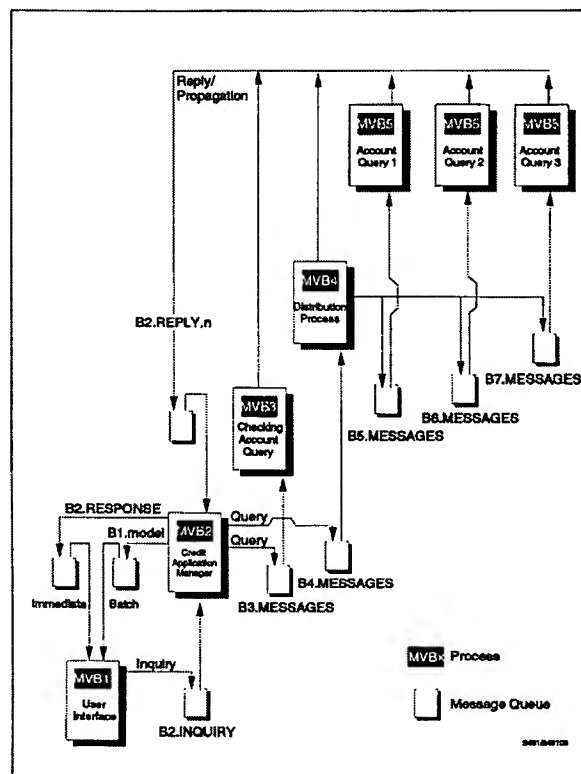


Figure 12. Credit Check Application - Overview

Block “MVB1” is cited by the examiner as a “simple” electronic message or request, whereas block “MVB4” is cited as a “complex” electronic message or request. However, neither MVB1 nor MVB4 disclose the determination of whether a request is “simple” or “complex.” As stated on page 35 of MQSeries, MVB1 functions as follows:

- Handles the screen interface to obtain the account information form the user.
- Generates the initial message that triggers the actual Credit Check application procedures.



- Retrieves the reply from the application and displays results on the screen.

None of the MVB1 functions above disclose “determining whether the electronic message or request is simple or complex.” As stated on page 36 of MQSeries, MVB4 functions as follows:

- Reads the message created by CSQ4CVB2 and retrieves a list of queues from the namelist.
- Writes triggering messages to each queue named in the namelist to kick off the MVB5 transaction.
- Writes a reply message to reply-to queue.

None of the MVB4 functions above disclose “determining whether the electronic message or request is simple or complex.” The Examiner argues that MVB4 meets the limitation of “determining whether the electronic message or request is simple or complex” because “MVB4 can determine whether to send message directly, or, route the message to MVB5 [page 34].” See “Response to Arguments” Final Office Action, Page 2. However, the “distribution process function” of MVB4 “writes triggering messages to each queue named in the namelist to kick off the MVB5 transaction.” See MQSeries, page 36. MQSeries does not disclose distributing messages based on whether the message is simple or complex. MQSeries does not mention any determination based on such criteria. The undersigned representative fails to see how the function of MVB4 meets the limitation of “determining whether the electronic message or request is simple or complex.” The mere process of routing a message to one location or another does not require making a determination as to the simplicity or complexity of the message. Accordingly, this statement by the Examiner does not support the requisite disclosure of each and every element. Thus, neither MVB1 nor

MVB4 function to make a determination of whether a message is simple or complex as do the logical routers in the current application. At best, the cited blocks read or write a message and forward it to the appropriate queue. Therefore, MQSeries does not disclose each and every limitation of claim 42 of the present application.

Furthermore, MQSeries does not disclose “simple” or “complex” messages. In the Advisory Action of March 25, 2005, the Examiner states that “Applicant has not clearly defined the limitations of simple transaction and complex transaction.” Advisory Action, Page 2. Nevertheless, the Examiner determines that MQSeries “clearly shows to be able to handle the determined simple transactions and complex transactions.” Advisory Action, Page 2. Claims 21 and 42 recite that the “electronic message or request is simple or complex.” There is no need to further define the terms “simple” or “complex” beyond the plain language of the claims. As shown above, there is support in the specification for these terms and their meanings. However, MQSeries does not disclose an “electronic message or request is simple or complex.” Therefore, there is no need to provide further definitions in the claims for the terms “simple” or “complex.”

For at least the reasons stated above, MQSeries does not anticipate independent claims 21 or 42 of the present application. Therefore, the undersigned respectfully submits that independent claims 21 and 42 are allowable over the cited art. Further, dependent claims 23-31, 33-38 and 40-48 are also allowable as they contain the limitations of the claims on which they depend. Therefore, the Appellants respectfully request that the rejections of claims 21, 23-31, 33-38, and 40-48 under 35 U.S.C. § 102(b) be withdrawn.

B. The Examiner's rejection of claim 32 under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Richards *et al.* (U.S. Patent No. 5,995,921) (hereinafter known as "Richards") is improper.

Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over MQSeries in view of Richards. Appellants respectfully traverse this rejection for the reasons set forth herein.

Claim 32 is dependent upon claim 21 which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 32 should be allowable under MQSeries for these reasons as well. Because Richards does not teach or suggest the deficiencies of MQSeries, claim 32 is not obvious in view of the cited references and should therefore be allowed. Accordingly, it is respectfully requested that the rejection of claim 32 under 35 U.S.C. § 103(a) be withdrawn.

C. The Examiner's rejection of claims 39 and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai *et al.* (U.S. Patent No. 5,544,347) (hereinafter known as "Yanai") is improper.

Claims 39 and 49-52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over MQSeries in view of Yanai. Appellants respectfully traverse this rejection for the reasons set forth herein.

Claim 39 is dependent upon claim 21 which is submitted to be allowable in view of MQSeries for the reasons set forth above. Accordingly, claim 39 should be allowable under MQSeries for these reasons as well. Because Yanai does not teach or suggest the deficiencies of MQSeries, claim 39 is not obvious in view of the cited references and should therefore be allowed.

The Examiner has not established a *prima facie* case of obviousness of independent claim 49 under MQSeries in view of Yanai. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Neither MQSeries nor Yanai, alone or in combination, teach or suggest all the limitations of claim 49 of the present application.

Independent claim 49 states:

49. A communications network, comprising:  
an integration facility for processing electronic messages or requests,  
wherein the integration facility comprises at least one first logical router for  
determining whether the electronic message or request is simple or complex;  
at least one distribution point in communication with the integration facility;  
at least one financial transaction related service in communication with  
the integration facility;  
at least one service provider in communication with the integration facility.

Neither MQSeries nor Yanai teach or suggest "at least one first logical router for determining whether the electronic message or request is simple or complex," as recited in claim 49. Again, the Examiner recites MVB1 and MVB4 on page 34 of MQSeries as disclosing this element. As fully discussed above with respect to claims 21 and 42, MVB1 and MVB4 do not perform the same function of the logical router recited in claim 49 of the present invention. Thus, MQSeries does not teach or

suggest the “at least one first logical router” of claim 49. Yanai does not cure the deficiencies of MQSeries. The Examiner relies on Yanai only for “data mirroring.” Therefore, MQSeries and Yanai, neither alone nor in combination, teach or suggest the elements of claim 49 of the present application.

Further, dependent claims 50-53 are also allowable as they contain the limitations of claim 49 on which they depend. Therefore, the undersigned representative respectfully requests that the rejections of claims 39 and 49-52 under 35 U.S.C. § 103(a) be withdrawn.

**(8) Claims Appendix**

See Appendix of Claims below.

**(9) Evidence Appendix**

None.

**(10) Related Proceedings Appendix**

None.

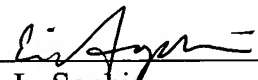
Conclusion

For at least the reasons given above, the rejections of claims 21 and 23-52 are improper. Appellants respectfully requests the final rejection by the Examiner be reversed and claims 21 and 23-52 be allowed.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1458, and please credit any excess fees to such deposit account.

Respectfully submitted,

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**APPENDIX OF CLAIMS**

21. A global communications network for use by a financial institution, comprising:

a plurality of distribution points for allowing an end user to send an electronic message or request;

an integration facility for controlling and routing the electronic message or request, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex; and

at least one service provider for processing the electronic message or request.

23. The network of claim 21, wherein the at least one first logical router directs the simple electronic message or request directly to the at least one service provider.

24. The network of claim 21, wherein the at least one first logical router directs the complex electronic message or request to at least one messaging services agent.

25. The network of claim 24, wherein the at least one messaging services agent processes the complex electronic message or request based on at least one of processing scripts, workflow rules, data model rules, and business rules, and wherein

the at least one messaging services agent directs the processed complex electronic message or request to at least one second logical router.

26. The network of claim 25, wherein the at least one second logical router directs each processed electronic message or request based on routing criteria developed from at least one of data partitioning, load balancing and site availability to at least one service provider.

27. The network of claim 25, wherein the at least one second logical router directs the processed complex electronic message or request to at least one service provider.

28. The network of claim 27, wherein the at least one second logical router directs the processed complex electronic message or request based on routing criteria developed from at least one of data partitioning, load balancing and site availability.

29. The network of claim 24, wherein the at least one messaging services agent decomposes the complex electronic message or request based on at least one of processing scripts, workflow rules, data model rules, and business rules, into a plurality of simple electronic messages or requests and wherein the at least one messaging services agent directs the plurality of simple electronic messages or requests to at least one second logical router.



30. The network of claim 21, further comprising a system journal for maintaining a log of the electronic message or request.

31. The network of claim 21, further comprising at least two data centers, wherein each data center of the at least two data centers comprises at least one data storage device for storing data necessary to process the electronic message or request.

32. The network of claim 21, wherein the distribution points comprise:  
audio and visual devices for interaction with the end user;  
translation software for translating all functions communicated to the end user audibly and visually into the end user's preferred language; and  
a common interface by which the end user can send the electronic message or request.

33. The network of claim 21, wherein at least one distribution point of the plurality of distribution points is chosen from a group consisting of branch systems, remote delivery systems, customer service systems, point of sale systems, and office systems.

34. The network of claim 21, wherein a first distribution point of the plurality of distribution points, comprises:  
a branch router in communication with the integration facility and a public network;

at least one general service; and

a local area network in communication with the at least one general service and the public network.

35. The network of claim 34, wherein the at least one general service comprises at least one printer, automated teller, customer activated services terminal, staff workstation and terminal server, express deposit device, teller work stations, greeter workstations or investment consultant work stations.

36. The network of claim 34, wherein a second distribution point of the plurality of distribution points, comprises:

a remote delivery router in communication with the integration facility and the public network; and

at least one remote device, wherein the at least one remote device is in communication with the public network.

37. The network of claim 36, wherein a third distribution point of the plurality of distribution points, comprises:

a point-of-service server in communication with the integration facility and a point-of-service network; and

a terminal device, wherein the terminal device is in communication with the point-of-service network.

38. The network of claim 37, wherein the point-of-service network is the public network.

39. The network of claim 21, wherein a first distribution point of the plurality of distribution points, comprises:

a remote delivery router in communication with the integration facility and a public network; and

at least one remote device, wherein the at least one remote device is in communication with the public network, and wherein the at least one remote device is selected from a group consisting of a computer modem, a voice telephone, a digital phone, a video phone, a personal digital assistant and a smart card.

40. The network of claim 21, wherein a first distribution point of the plurality of distribution points, comprises:

a point-of-service server in communication with the integration facility and a point-of-service network; and

a terminal device, wherein the terminal device is in communication with the point-of-service network, and wherein the terminal device comprises at least one of a magnetic strip reader or a key pad.

41. The network of claim 40, wherein the point-of service network is at least one of a public network or a private network.

42. A method for processing and routing an electronic message or request across a global communications network, the method comprising the steps of:

- receiving an electronic message or request from a distribution point;
- determining whether the electronic message or request is simple or complex;
- routing a simple electronic message or request to at least one service provider, or processing a complex message or request and routing the processed complex message or request to at least one service provider.

43. The method of claim 42, wherein the at least one service provider communicates with a data center, and wherein the data center comprises at least one data storage device for storing data necessary to complete the simple electronic message or request and the complex message or request.

44. The method of claim 42, wherein the steps of processing the complex message or request and routing the processed complex message or request, comprises the steps of:

- decomposing the complex message or request based on at least one of processing scripts, workflow rules, data model rules and business rules into a plurality of simple messages or requests; and

- routing the plurality of simple messages or requests to the at least one service provider where the plurality of simple messages are processed.

45. The method of claim 44, wherein the steps of processing the complex message or request and routing the processed complex message or request, further comprises:

- recomposing responses from the at least one service provider; and
- routing the recomposed responses to the distribution point.

46. The method of claim 44, wherein the step of routing the plurality of simple messages or requests, comprises the step of routing the each simple message or request of the plurality of simple messages or requests based on routing criteria developed from at least one of data partitioning, load balancing and site availability.

47. The method of claim 42, wherein the step of routing the processed complex message or request to at least one service provider, comprises the step of routing the complex message or request based on routing criteria developed from at least one of data partitioning, load balancing and site availability.

48. The method of claim 42, further comprising the step of maintaining a log of the electronic messages or requests.

49. A communications network, comprising:

an integration facility for processing electronic messages or requests, wherein the integration facility comprises at least one first logical router for determining whether the electronic message or request is simple or complex;

at least one distribution point in communication with the integration facility;

at least one financial transaction related service in communication with the integration facility;

at least one service provider in communication with the integration facility.

50. The network of claim 49, wherein the at least one distribution point is selected from a group consisting of branch systems, remote delivery systems, customer service systems, point of sale systems and office systems.

51. The network of claim 49, wherein the at least one financial transaction related service is selected from a group consisting of end-to-end management services, financial control services, structured services and unstructured services.

52. The network of claim 49, wherein the at least one service provider is selected from a group consisting of gateways, product processors and authorization engines.